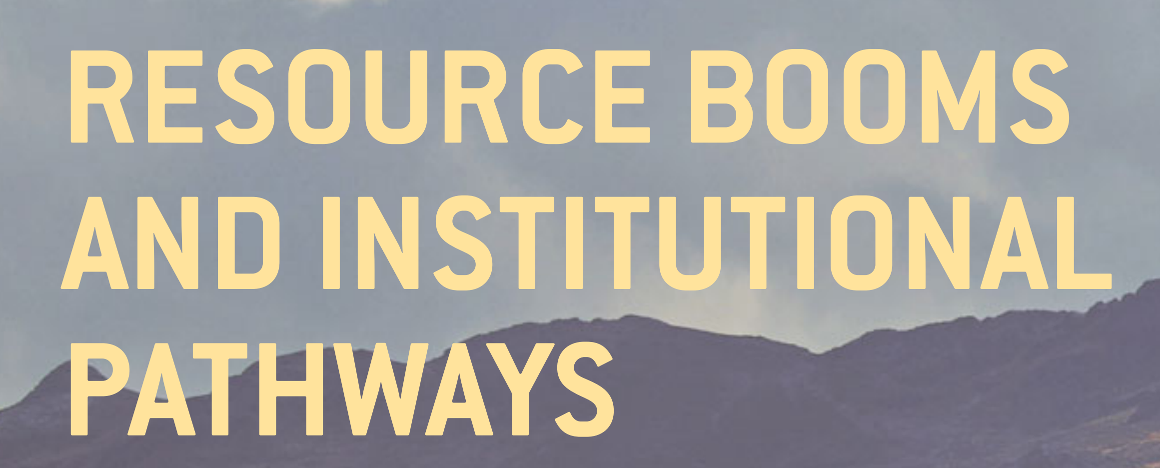


RESOURCE BOOMS AND INSTITUTIONAL PATHWAYS

The Case of the Extractive Industry in Peru

EDITED BY
EDUARDO DARGENT
JOSÉ CARLOS ORIHUELA
MARITZA PAREDES
MARÍA EUGENIA ULFE

Latin American Political Economy



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Eduardo Dargent · José Carlos Orihuela
Maritza Paredes · María Eugenia Ulfe
Editors

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Editors
Eduardo Dargent
Pontificia Universidad Católica del Perú
Lima, Peru

Maritza Paredes
Pontificia Universidad Católica del Perú
Lima, Peru

José Carlos Orihuela
Pontificia Universidad Católica del Perú
Lima, Peru

María Eugenia Ulfe
Pontificia Universidad Católica del Perú
Lima, Peru

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Editors and Contributors

About the Editors

Eduardo Dargent is an associate professor of political science at Pontificia Universidad Católica del Perú. His main teaching and research interests are comparative public policy, political economy, and the state in the developing world. He has published in *Comparative Politics, the Journal of Latin American Studies*, the *Journal of Democracy*. His book *Technocracy and Democracy in Latin America* (New York: CUP) was published in 2015. He received a PhD in Political Science from University of Texas, Austin.

José Carlos Orihuela is an associate professor of economics at Pontifical Catholic University of Peru. He is an institutional economist who studies how institutions evolve, the forging of environmental governance, and the political economy of natural resources. His research has been published in *Studies in Comparative International Development, World Development* and the Journal of Latin American Studies, among other outlets. Two of his articles were awarded by the Economics and Politics Section of LASA. He co-authored *The Developmental Challenges of Mining and Oil: Lessons from Africa and Latin America* (Palgrave 2012) and has contributed to various edited volumes.

Maritza Paredes is an associate professor of sociology at Pontificia Universidad Católica del Perú. Her book publications include, La Representación Política Indígena en el Perú (IEP 2015), the

co-authored *The Developmental Challenges of Mining and Oil: Lessons from Africa and Latin America* (Palgrave 2012), and *Ethnicity and the Persistence of Inequality: The Case of Peru* (Palgrave 2011). His research has been published in *World Development, Oxford Development Studies, The Extractive Industries and Society*. She received a Ph.D. from the University of Oxford and has been Cogut Visiting Professor at Brown University and Custer Research Fellow at the Rockefeller Center for Latin American Studies at Harvard University.

María Eugenia Ulfe is a Peruvian Anthropologist, Ph.D. in Human Sciences/Anthropology at the George Washington University (Washington DC, 2005) and MA in the Arts of the Americas, Oceania, and Africa at the University of East Anglia (United Kingdom, 1995). Associate Professor at the Department of Social Sciences and Director of the Master Program in Anthropology and the Master Program in Visual Anthropology at the Pontificia Universidad Católica del Perú. Her work focuses on memory, creative culture, violence, and visual Anthropology. Among her recent publications there are *Cajones de la memoria: la historia reciente del Perú en los retablos andinos* (Lima, PUCP, 2011) and *¿Y después de la violencia que queda? Víctimas, ciudadanos y reparaciones en el contexto post-CVR en el Perú* (CLACSO, Buenos Aires, 2013).

Contributors

Noelia Chávez Ángeles Pontificia Universidad Católica del Perú, Lima, Peru

Eduardo Dargent Bocanegra Pontificia Universidad Católica del Perú, Lima, Peru

Eduardo Dargent Pontificia Universidad Católica del Perú, Lima, Peru

Stephan Gruber Pontificia Universidad Católica del Perú, Lima, Peru

Ximena Málaga Sabogal Department of Anthropology, New York University, New York, USA

José Carlos Orihuela Pontificia Universidad Católica del Perú, Lima, Peru

Maritza Paredes Pontificia Universidad Católica del Perú, Lima, Peru

Lorena de la Puente Pontificia Universidad Católica del Perú, Lima, Peru

María Eugenia Ulfe Departamento de Ciencias Sociales, Pontificia Universidad Católica del Perú, Lima, Peru

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CHAPTER 1

Cycle of Abundance and Institutional Pathways

Eduardo Dargent, José Carlos Orihuela, Maritza Paredes and María Eugenia Ulfe

From 2004 onward, Peru has experienced its most recent economic growth cycle based on a natural resources boom and, in particular, on minerals. With a new cycle of growth came a wave of conflict and social unrest that once again put "the paradox of plenty" into the debate (Karl 1997). The effects of natural resource abundance cycles on relationships between state and society have been largely debated in the social sciences.[1] From different disciplines, there is a vast literature that reveals the challenges of societies in constructing institutions for development during resource booms driven by a surge in commodity prices. Existing

E. Dargent (✉) · J.C. Orihuela · M. Paredes · M.E. Ulfe
Pontificia Universidad Católica del Peru, Lima, Peru
e-mail: edargent@pucp.edu.pe

J.C. Orihuela
e-mail: orihuela.jc@pucp.pe

M. Paredes
e-mail: maritza.paredes@pucp.pe

M.E. Ulfe
e-mail: mulfe@pucp.edu.pe

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literature has been particularly eloquent about the challenges of growth based on non-renewable natural resources, such as minerals and hydrocarbons. Economic studies have argued that growth is “impoverishing,” if not invested in new capital while sociology, political science, and anthropological studies have claimed that growth comes hand in hand with authoritarianism, corruption, and environmental and redistributive conflicts.[2] In this way, the recent rise in the international prices of these commodities revives the debate over institutional challenges that the new resource boom has originated in Latin American countries and beyond.[3] This book explains the unexpected institutional development that Peru has undergone in recent years to manage the benefits and cost of rapid extractive industry expansion due to a commodity boom.

Peru is an emblematic case of the so-called natural resource curse. From the early studies of Auty (1993) and Mahon (1992) that developed the idea of the resource curse in Latin American developing countries, to studies focused on the effects of recent commodity booms (Arellano-Yanguas 2008, 2011a, b; Bebbington et al. 2008), literature has studied the effects of these growth cycles, regarding both the initial formation of the Peruvian state (Paredes 2013) and its subsequent development (Paredes 2016; Orihuela 2014; Arce 2006; Bebbington 2013). Today, Peru is once again a relevant case for the study of resource abundance growth. It has been one of the countries with highest average growth in the region (over

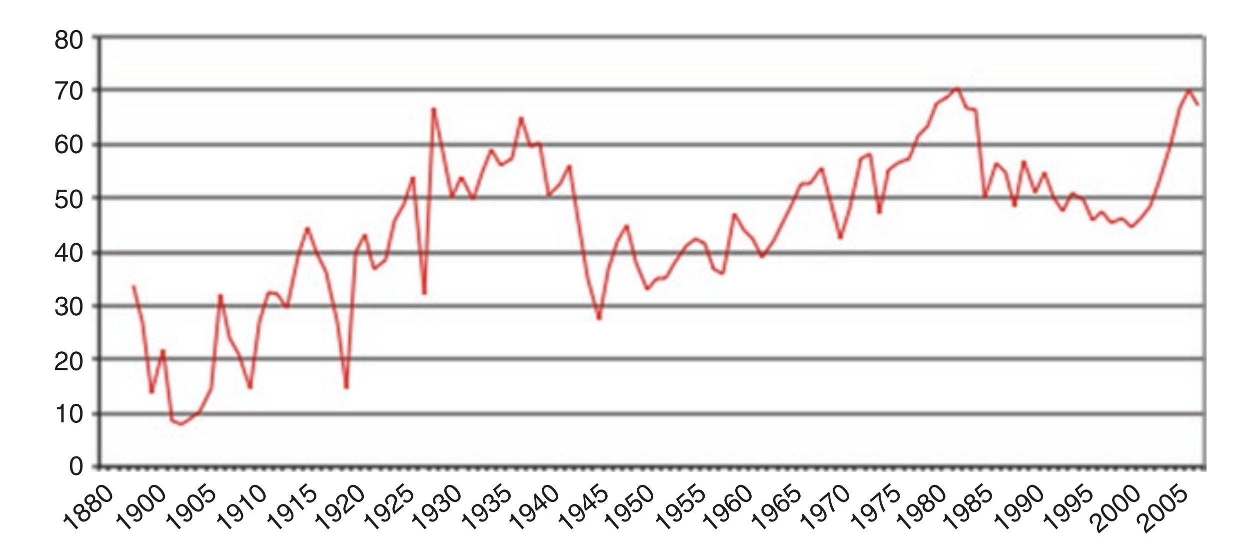


Fig. 1 History of mineral exports in Peru (1890–2010). *Source* Elaboration of Orihuela (2014) based on Thorp and Bertram (1978) and Central Bank of Peru data

Table 1 Type of institutional regimes and cases

Institutional regimes	
Benefits management	*Costs management*
Canon	Environmental regulation
Canon for research in state universities	Conflict management
Local consultations	Local consultations

6% annually), based on the exportation of minerals (gold and copper) and hydrocarbons (mainly gas). However, as Fig. 1 shows, this cycle has not been the only one. Mineral exports have constituted more than 50% of total exports during various moments in Peruvian history. Thus, without tracing back to the nineteenth-century guano era, the study of institutional transformation in Peru concerning this type of growth cannot ignore the legacies of previous cycles. The recent economic cycle and opportunities for state expansion are strongly permeated by previous cycles' legacies.

This book understands institutional development as the evolution of institutional regimes. The latter is broadly defined as the system of formal and informal rules of the game and the institutional organizations that enforce and give support to such rules. Thus, by "institution," we can be referring to either a rule of the game or an organization-shaping political-economic agency (Meyer and Rowan 1991).

The book addresses what we see as the most important state institutional developments associated with the governance of extractive industries. We group institutional change in two broad types: benefits-management and costs-management institutional development. Some institutions have emerged to manage the (distribution of the) benefits of resource extraction, beginning with the canon redistributive scheme (Chap. 2) and the earmarking of a percentage of the canon to finance state universities' investment in research (Chap. 3). In contrast, other institutions have emerged fundamentally to manage the (distribution of the) costs of resource development, such as formal rules of the game and state organizations for environmental regulation (Chap. 4), conflict management (Chap. 5), and formal and informal rules of participation and local consultation (Chap. 6)—thus, participation can also shape the management

of benefits, by creating institutions to decide over the canon and non-canon mining transfers (Table 1).

The chapters in this book dialogue with literature about the natural resource curse and with other perspectives that help to explain the paradox of institutional development in the resource abundance context. Overall, the book posses the questions of what has happened with institutional state construction during the recent commodity boom in Peru (2004–2012); how more regulatory and mediation institutions developed in these years in spite of adverse conditions and powerful veto actors; and why some institutional developments occurred rapidly at the cycle's beginning while others took their time, emerging only toward the end. Why were some processes more contested than others? What type of actors has mobilized the activation and implementation of these different institutions? And, what are the challenges left by the commodity boom?

The theoretical framework developed in the fourth section of this introduction aims to answer these questions. As discussed in detail below, we propose that three dimensions explain the institutional development in resource-abundant Peru: (a) preceding power distribution of state and society actors, (b) historical repertoires of state and society action, and (c) the entrepreneurship of actors embedded in transnational networks. Our framework aims to provide a comparative road map for similar analysis in Latin American countries affected by the recent commodity boom.

This introductory chapter is organized into five sections. The first one explains the new cycle of economic development based on natural resources and the main conflicts/tensions that it has produced. The second section describes significant institutional state changes in Peru, which today have a relevant spot in the political scene that they did not have in the 1990s, thanks to the abundance cycle. The third section discusses literature that explain the relevance of resource abundance cycles for institutional state development. The fourth section, the main one of this chapter, presents the arguments developed in conjunction with our findings. The final section describes the book's methodology and organization.

1 Economic Abundance and Social Unrest

The increase in international prices of minerals, especially copper and gold, brought alongside a vertiginous increase of mineral exports, as shown in Fig. 2. Private investment in mining increased almost sixfold

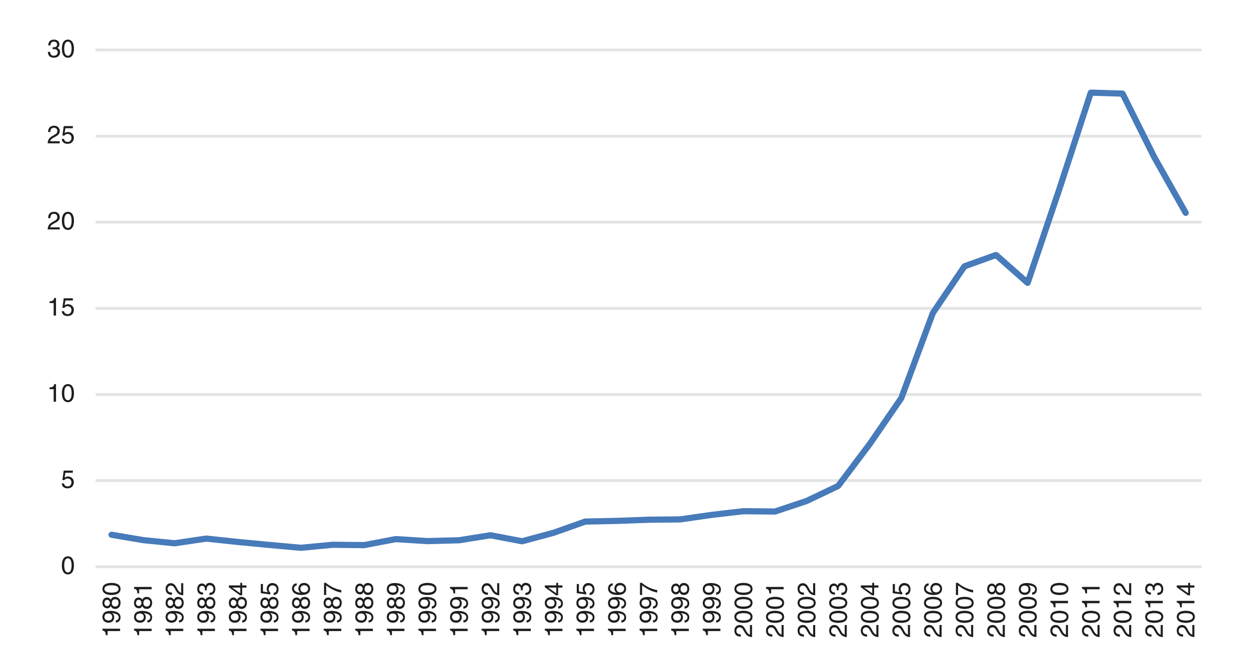


Fig. 2 FOB exports of mining producers, Peru. (FOB values in millions of US$). *Source* Self-elaboration, based on Central Reserve Bank of Peru data

between 2006 and 2015, taking over a quarter of foreign capital investment in this sector.[4] The growth of mining investment also partly responds to the policy adopted by the Peruvian state that helped the country take advantage of the resource boom cycle. Since the 1990s, Fujimori's government reduced state participation in the mining sector and promoted private investment through fiscal incentives and the simplification of providing concessions (Arellano-Yanguas 2011a, p. 21). As a consequence of these changes on the international and national level, mining has represented on average in the last 20 years 10% of GDP, reaching 15% in 2006. Peru, along with Chile and Bolivia, has become one of the countries where extractive industries represent the largest percentage of GDP in Latin America. The boom thus nourished already powerful private stakeholders and increased their presence in the territory.

Along with macroeconomic growth, the Peruvian state received greater earnings on all levels: national, regional, and local.[5] Figure 3 shows the growth of public budgets mainly as a result of income tax that extractive enterprises pay. This sum is also the base of subnational transfers: the canon. Regarding mining, income tax represents the bulk of tax earnings for this activity, which also pays mining royalties and concession rights.[6] During Alan Garcia's government (2006–2011), the Mining

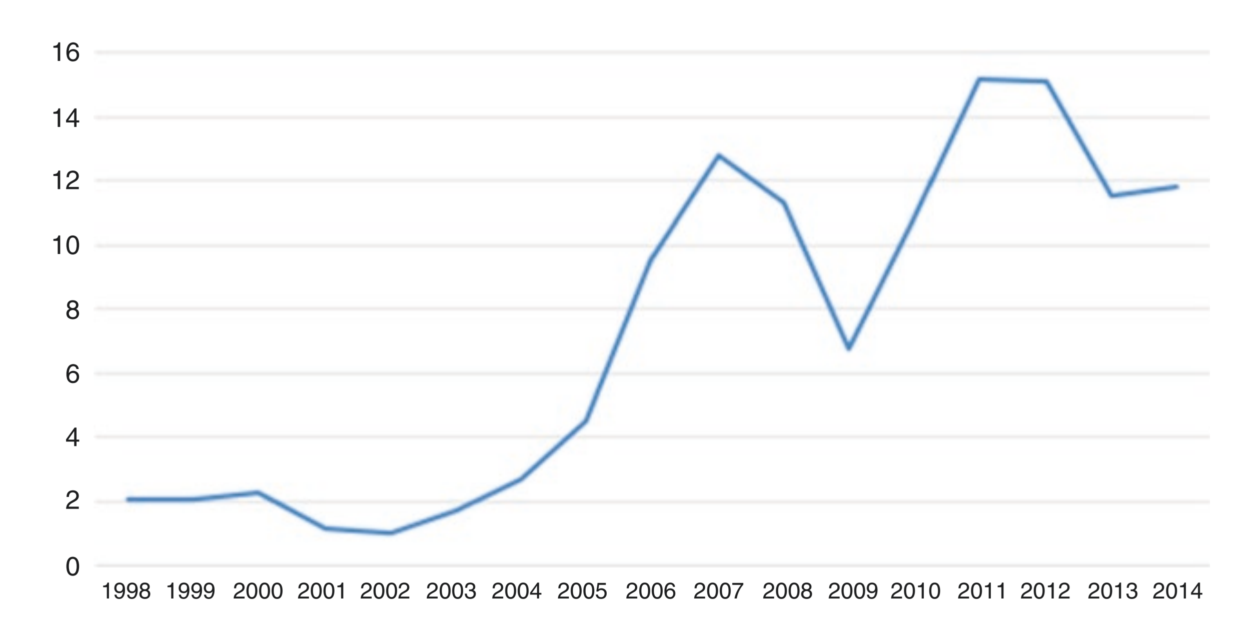


Fig. 3 Taxes collected by the National Tax Agency (SUNAT) in mining and hydrocarbons (millions of *Nuevos Soles*). *Source* Self-elaboration, based on SUNAT data

Voluntary Contribution was introduced in early 2007 and lasted until the change of government in 2011.[7] With this contribution, enterprises committed to allocating 2% of their net annual utilities to the "Local Mining Fund" and 1% to the "Regional Mining Fund." During Humala's government (2011-2016), the Special Tax on Mining (Law 29789) was created and applied to utilities with a tax rate of between 2% and 8% to enterprises that did not have a stable contract. For enterprises with a stable contract, a special levy was established (Law 29790), which manifested itself into a new tax burden contracted by a voluntary agreement between the state and enterprises with a new rate of between 4% and 13% of utilities. Finally, during the government of Humala, the Mining Royalty Law was amended to increase rates to between 1% and 12% of utilities (Sanborn and Dammert 2013, pp. 24–30).

Despite tax cuts and incentives for the extractive sector, the quantity of income collected by the La Superintendencia Nacional de Aduanas y de Administración Tributaria (SUNAT) in this sector went from 27,362 million Peruvian *Nuevos Soles* in 2004 to 15,152.7 million in 2011, approximately seven times more.

Figure 4 shows state rents also grew on subnational levels due to canon transfers. This growth, however, has created great territorial disparities. Given that canon beneficiaries were exclusively producers subnational areas